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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Fourteenth session

SUMMARY RECORD OF THE 281st MEETING

Held at Headquarters, New York,
on Thursday, 2 February 1995 at 10 a.m.

Chairperson: Ms. CORTI

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The meeting was called to order at 10.15 a.m.

WAYS AND MEANS OF EXPEDITING THE WORK OF THE COMMITTEE (continued)

DRAFT PROVISIONAL AGENDA FOR THE FIFTEENTH SESSION

Report of Working Group I (continued) (CEDAW/C/1995/WG.I/WP.2 and Add.1 and 2)

1. The CHAIRPERSON invited the Committee to continue its consideration of the report of Working Group I as contained in document CEDAW/C/1995/WG.I/WP.2.

Section 8

2. Section 8 was adopted.

Section 9

3. Ms. GARCIA-PRINCE said that, since the Committee was in the habit of asking a great deal of questions about the relationship between Governments and non-governmental organizations in the preparation of reports, as well as about the involvement of non-governmental organizations in activities associated with certain articles of the Convention, she proposed the inclusion in paragraph 4 of annex I of a new subparagraph (f) that would require States parties to the Convention to provide information on the ways in which Governments or official agencies interacted with non-governmental organizations in the preparation and implementation of programmes.

4. Since the Committee had discussed special reports at its current session, it should adopt guidelines indicating that it might request States Parties to submit such reports to supplement the information contained in periodic reports that had already been submitted. In submitting special reports, States parties should conform to the guidelines established by the Committee.

5. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women) said that annex I referred to the guidelines for initial reports of States parties. The Committee had not as yet adopted guidelines for special reports.

6. Ms. SCHÖPP-SCHILLING said that the Committee should defer its consideration of guidelines for special reports to its fifteenth session, so that it could consider the question in depth.

7. Ms. AOUIJ proposed that, at the end of annex I, the Committee should specify that, if a State party that was scheduled to submit its report at a given session failed to do so, the State party would no longer have priority over other States.

8. Ms. BERNARD said that the Secretariat could perhaps send a letter to each State party scheduled to submit a report, pointing out that, if a State party did not submit its report on time, it would lose its priority.

9. While she agreed that the Committee should prepare guidelines for special reports, it would have to defer the matter to a subsequent session.

10. Ms. GARCIA-PRINCE recalled that, at its previous meeting, the Committee had discussed the question of States that failed to submit their reports on time and had decided that the Secretariat would send a letter to the States parties concerned. There was therefore no need to discuss the matter further.

11. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women) said that the new subparagraph in paragraph 4 of annex I would read:

> "(f) The situation of non-governmental organizations and other women's organizations and their participation in the preparation and implementation of the plans and programmes of public authorities."

12. Ms. BUSTELO GARCIA DEL REAL said that it would be better to say "non-governmental organizations and other women's associations" in order not to repeat the word "organizations".

13. Section 9 and annex I, as orally amended, were adopted.

Section 10

14. Section 10 was adopted.

Section 11

15. Ms. BUSTELO GARCIA DEL REAL said that, if the Committee agreed, she would keep in touch with the American Association for the Advancement of Science and would prepare any additional information that the Committee might need for its next session. The Committee should perhaps add a sentence at the end of paragraph 15 indicating that the Secretariat would send her any information that it received from the Association.

16. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women) said that the Committee would add the following sentence to paragraph 15:

> "Ms. Bustelo was designated to act as liaison with the project on behalf of the Committee, and the Secretariat was requested to provide her with any information that it might receive on this matter."

17. Section 11, as orally amended, was adopted.

Section 12

18. Section 12 was adopted.

Section 13

19. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women) said that in annex II, under item 5 of the provisional agenda for the fifteenth session of the Committee, the reference to the report of the Secretariat on the

implications for the work of the Committee of the priority themes of the Commission on the Status of Women should be deleted since Working Group I had decided not to request that specific report.

20. Ms. SCHÖPP-SCHILLING said that she was not sure that Working Group I had taken the correct decision, especially in view of the important information that would come out of the Fourth World Conference on Women.

21. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women) said that Working Group I had attempted to rationalize pre-session documentation by eliminating documents that the Committee did not use in its deliberations. The report of the Secretariat on the implications for the work of the Committee of the priority themes of the Commission on the Status of Women was usually received too late and was not sufficiently relevant to the work of the Committee to justify a separate report. The Secretariat would make available to Committee members any reports on priority themes that might be prepared.

22. The provisional agenda for the Committee's fifteenth session included a report of the Secretariat on analysis of article 4 of the Convention. Such reports were prepared on behalf of the Committee, as part of its pre-session documentation, in order to assist the Committee in adopting general recommendations on articles of the Convention. The Committee was currently a little behind in its work on article 4, which was scheduled for consideration at its next session. The Secretariat had prepared an analysis of article 4, which had been sent to the Commission on the Status of Women in 1992. The Secretariat would make that analysis available to the Committee and would provide an update on any changes that might have occurred as a result of the consideration of State party reports that had been received since 1992.

23. Ms. SCHÖPP-SCHILLING requested the Secretariat to provide her with a copy of the analysis, since she was one of the two experts working on article 4.

24. Section 13 was adopted.

Section 14

25. Ms. BERNARD said that the members of the pre-session working group for the fifteenth session of the Committee would be: for Latin America, Ms. García-Prince, with Ms. Estrada Castillo as her alternate; for Africa, Ms. Bare, with Ms. Sinegiorgis as her alternate; for Europe, Ms. Shalev, with Ms. Bustelo García del Real as her alternate; and for Asia, Ms. Javate de Dios, with Ms. Sato as her alternate.

26. Ms. GARCIA-PRINCE said that, as a member of the pre-session working group for the fourteenth session, she had found that the questions drafted on the reports had been extremely useful. However, the working group had limited itself to asking questions based on the reports themselves, and when the Committee had held its formal discussion of reports, members of the working group had wanted to ask about issues that were not covered in the reports. At the next session, the Committee should establish certain criteria for ways in which the pre-session working group could improve its work.

27. Ms. BUSTELO GARCIA DEL REAL supported the proposal made by Ms. García-Prince. When the pre-session working group of the Committee on Economic, Social and Cultural Rights met, it obtained information from non-governmental organizations. The Committee should provide non-governmental organizations with channels of communication and allow them to participate in its work; that matter should be considered during the discussion on the rules of procedure at the Committee's next session. The question should be considered as a special item, since it was very important to the Committee's work.

28. Ms. GARCIA-PRINCE said that the Chairperson should decide which experts would be assigned to specific reports, so that the designated experts committed themselves to raising points not covered in the reports. That would enable them to update the Committee's discussion of reports. When an expert introduced a report, she should give information that supplemented the official report and provide the other members of the Committee with updated information through some informal follow-up procedure.

29. Ms. JAVATE DE DIOS said that the Secretariat should make the most recent reports of other treaty bodies available to the pre-session working group, since that kind of information would strengthen the Committee's relationship and cooperation with other treaty bodies.

30. Ms. KINTU (Secretary of the Committee) said that it was the practice of the Committee to take into consideration all the reports on human rights that had been submitted to other treaty bodies. The Committee provided an analysis of those reports In each country report.

31. Ms. JAVATE DE DIOS said that the pre-session working group should be given the actual reports of other treaty bodies and not just the Committee's analyses of those reports.

32. Section 14 was adopted.

Paragraph 7 of section 4

33. The CHAIRPERSON said that, at its previous meeting, the Committee had deferred its consideration of paragraph 7 in section 4 of document CEDAW/C/1995/WG.I/WP.2. In that connection, she drew the Committee's attention to the decision of Working Group I contained in CEDAW/C/1995/WG.I/WP.2/Add.2.

34. Ms. BERNARD, introducing the decision, said that it endorsed the recommendation that the Committee should be located at Geneva, with servicing provided by the Centre for Human Rights of the Secretariat. Working Group I had discussed the decision at length and had decided that the relocation would be in the interest of the Committee.

35. Ms. BARE said that she endorsed the idea of associating issues of women's human rights more closely with those of human rights in general, and therefore supported the Committee's proposed relocation to Geneva, which would enhance its cooperation with the other human rights treaty bodies. She proposed that, while agreeing in principle to relocate to Geneva, the Committee should request the practical information it needed to make a smooth transition. Such information,

which should be annexed to the decision, would include details of the technical support and financial outlays required for the Committee's planned activities, staffing arrangements and the staffing levels required to service the Committee adequately, the backstopping services to be provided to the Committee by the Division for the Advancement of Women and the Commission on the Status of Women, and the manner in which the Committee would work with and receive technical support from the United Nations Development Fund for Women (UNIFEM). She further suggested that the Chairperson should request that a study be conducted along the lines described above, in order to allow the Committee to make an informed decision about its future.

36. Ms. CARTWRIGHT said that relocating the Committee to Geneva appeared to have the potential of enhancing its working relationships with the other human rights treaty bodies. The Committee had no influence on practical issues such as finances and servicing, and could only make decisions about the work it actually did. She therefore suggested that the decision to relocate should be made solely in consideration of where the Committee's work could best be discharged, and asked the Secretariat to inform the Committee as quickly as possible of the decision reached. She noted that the draft decision contained requests to the Secretary-General to provide the Committee with the staff and facilities it required for the effective performance of its functions, and to continue to implement article 21.2 of the Convention, linking the Committee with the Commission on the Status of Women.

37. Ms. SINEGIORGIS said that the question of relocation was not a new one. The Committee's previous relocations had taken place without its members having a clear understanding of the reasons for them. As a treaty body, the Committee belonged in Geneva with the other treaty bodies; contacts with other United Nations bodies could be maintained no matter where the Committee was located. Matters of servicing and financing were the province of the Secretariat: they did not properly concern the Committee and should have no bearing on its ultimate choice of location. The decision was a political one, and Geneva appeared to be the location most advantageous for the Committee.

38. Ms. SCHÖPP-SCHILLING said that she fully supported the decision to relocate to Geneva for the political reasons already outlined. However, such a move would result in the Committee's reports being discussed in the General Assembly under the agenda item on human rights and not that on the advancement of women. She noted that, despite having requested documentation from the Centre for Human Rights over a period of six years both in Vienna and New York, she had yet to receive a single report of any human rights treaty body based in Geneva. She asked for an indication of the information on women's issues currently being supplied to the Committee automatically by the Division for the Advancement of Women or other bodies that might possibly be interrupted as a result of a relocation to Geneva. A request for such information could then be included in the recommendation.

39. Ms. AOUIJ said that any decision which the Committee took to relocate to Geneva must be made on the basis of its members being genuinely convinced that to do so was in the Committee's best interests. More practical information was needed on the availability of the financing and facilities needed by the Committee. She stressed the absolute necessity of arriving at a consensus of

all the members on a decision of such importance, and of receiving assurances that the Committee would not lose ground in relation to the other human rights bodies as a result of relocation.

40. Ms. OUEDRAOGO said that, while all the members of the Committee shared the same concern for the advancement of human rights, not all had access to the same information. The decision to relocate was extremely important, and for that reason unanimity among the members was necessary. She was concerned about an uneasiness that she had perceived among the members of the Committee, and hoped that it would be dispelled as a result of the relocation.

41. Ms. JAVATE DE DIOS said that, having listened to the debates at the current session, she was convinced that the Committee should be in the mainstream of the human rights bodies which it sought to influence and with which it hoped to work closely. However, she also felt that it was important to place the debate within the broader context of the marginalization of women at the United Nations. The core issue was not whether or not the Committee should relocate, but whether the resources, staff and facilities made available to it were commensurate with the real value and importance of its work, and whether the Committee had a real say in decisions affecting its work and its future. She urged the Committee to assert itself, rather than accept its marginalization.

42. Ms. SHALEV said that she felt strongly that it was time to end the marginalization of women's human rights and to mainstream them within the United Nations. The Committee belonged in Geneva alongside the other human rights treaty bodies, and it should be involved in the process of drafting new international legal standards for the human rights treaty regime, as the body responsible for monitoring one of the main international human rights instruments. It was clear that there would be advantages and disadvantages both to staying in New York and to moving to Geneva; the right choice would be to end the Committee's marginalization and strengthen its ties with the other human rights treaty bodies.

43. Ms. MAKINEN fully supported the decision to relocate to Geneva, but stressed the importance of maintaining links with the Division for the Advancement of Women.

44. Ms. BERNARD said that, since the Committee's decision would affect every member, all those members who had not yet voiced an opinion on the issue should do so, so as to arrive at a collective decision.

45. Ms. GARCIA-PRINCE, reiterating her firm conviction that the Committee should be a fundamental part of the main United Nations organ for the protection of women's human rights, said that while she was not opposed to transferring the Committee to Geneva, that transfer should not jeopardize the Committee's operational relationship with the Division for the Advancement of Women or prevent the Committee from meeting in New York whenever it felt that circumstances so warranted.

46. Ms. LIN Shangzhen said that, in view of the crucial importance of the matter and the concerns raised by a number of Committee members, further consideration should be given to it before a final decision was taken.

47. Ms. ABAKA said that the Convention was the only international legal instrument which supported the policy framework set out for the advancement of women, which meant that the Committee and the Commission on the Status of Women complemented each other. In view of the arguments advanced by other members of the Committee and the fact that the Fourth World Conference on Women was to review the issues of equality, development and peace in September 1995, the Committee should postpone a decision on the matter until after the Conference.

48. Ms. MUÑOZ-GOMEZ said that it was very important that the Committee should belong to the Centre for Human Rights at Geneva but maintain close links with the Division for the Advancement of Women, especially since the Division was located in New York where permanent missions often had more resources and facilities with which to provide support not only to members of the Committee but also to country delegations that came to New York to introduce their reports. From the viewpoint of countries themselves, it was therefore important to have the possibility of alternating the Committee's meetings between New York and Geneva.

49. Ms. KHAN said that there appeared to be a consensus that the Committee must be in the mainstream of the human rights treaty bodies and must not be marginalized. As a result, it must be based in Geneva. The Committee should concentrate on addressing the major concerns expressed about the availability of services in Geneva and the maintenance of links with the Division for the Advancement of Women, the Commission on the Status of Women and other United Nations bodies.

50. Ms. SATO noted that, while moving to Geneva made sense in that it would enable the Committee to cooperate closely with other treaty bodies, the Committee should make sure that it would receive appropriate servicing for its meetings from the Secretariat in Geneva and would maintain solid links with the Division for the Advancement of Women.

51. Ms. HARTONO said that the most important consideration was to enhance the effectiveness of the Committee and the Convention, although any decision should take into account the need for the Committee to meet in New York whenever circumstances so warranted.

52. Ms. AYKOR said that, while she welcomed the idea of establishing the Committee in Geneva in close proximity to all the other human rights treaty bodies, she wondered whether it would not lose its identity and independence as the only treaty body dealing with the advancement of women. In that regard, it was crucial that the Committee should maintain its links with the Division for the Advancement of Women in New York and with the Commission on the Status of Women.

53. Ms. SINEGIORGIS said that the Committee was and would remain an independent human rights treaty body. She wholly agreed with Miss Khan's comments. With regard to the main concerns raised by members of the Committee, such as the need for the Committee to meet alternately in Geneva and New York and to maintain links with the Division for the Advancement of Women and the Commission on the Status of Women, those concerns which fell within the Committee's purview could be accommodated. On the other hand, matters such as resources and staffing,

which were the responsibility of the Secretariat, were taken care of in paragraph 2 of the decision of Working Group I. She urged members of the Committee to try to improve the decision and was prepared to discuss any matters raised in that respect rather than postponing them outright.

54. Ms. SCHÖPP-SCHILLING urged the Deputy Director of the Division for the Advancement of Women to provide the information she had requested earlier, as that would facilitate the Committee's discussions.

55. Ms. AOUIJ asked the Deputy Director to explain how the Centre for Human Rights serviced the meetings of other human rights treaty bodies.

56. Ms. BERNARD said that, in an attempt to accommodate the concerns of members who had reservations about the move to Geneva, specifically the concern that the Committee's relationship with the Commission on the Status of Women might suffer, she proposed that in paragraph 3 of the decision in document CEDAW/C/1995/WG.I/WP.2/Add.2, the words "to continue to implement article 21.2 of the Convention" should be replaced by the words "to ensure that the links between the Commission on the Status of Women and the Committee are maintained, the continued implementation of article 21.2 of the Convention being one such link;".

57. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women), replying to the question raised by Ms. Schöpp-Schilling, said that it was the Secretariat's duty to provide the Committee with any information it wanted, in the form in which the Committee requested it. The Division for the Advancement of Women attempted to provide the Committee with all the public documents it required. With regard to servicing, members of the Committee should refer to paragraphs 540 to 551 of document CEDAW/C/1995/7. The technical servicing of the other human rights treaty bodies was provided by a unit within the Centre for Human Rights.

58. The CHAIRPERSON said that the Committee had an important decision to make, but that the significance of its decision had perhaps not been fully explained to all its members. Whatever decision was taken, it would not be immutable, nor would it have immediate effect. It should not be influenced by servicing or budgetary problems, which were the responsibility of other bodies. If the Committee decided to move to Geneva, its decision would be a political one, demonstrating that it wished to share a location with other human rights bodies. Concern had been expressed that CEDAW would be reduced to the status of a subcommittee, yet although it was a full-fledged human rights body, in many respects it had never been treated as such as far as services and recognition were concerned.

59. With reference to relations between the Committee and the Division for the Advancement of Women, she noted that CEDAW had been established by a treaty and that its members were independent experts, whereas the Division was an intergovernmental body. There should continue to be very close links between CEDAW and the Division, regardless of where the Committee was based. Questions must be raised at the Fourth World Conference on Women as to what financial resources had been made available to women's rights bodies such as CEDAW to enable them to fulfil their mandate.

60. Ms. GARCIA-PRINCE endorsed Ms. Khan's point that any move should not have an adverse effect on the Committee's relations with women's human rights bodies.

61. Ms. SCHÖPP-SCHILLING expressed support both for Ms. Bernard's proposed amendment and for the move to Geneva. CEDAW had a mandate to consider country reports and formulate recommendations, as well as to contribute to world conferences throughout the United Nations system. It was therefore important that the Committee should be kept up to date on developments regarding women's issues and rights in the United Nations system, and to be kept abreast of any information pertinent to it.

62. Ms. SINEGIORGIS proposed that paragraph 2 of the decision in document CEDAW/C/1995/WG.I/WP.2/Add.2 should be amended by adding the following words at the end of the fourth line "and keeping in mind the link with the Division for the Advancement of Women".

63. Ms. ABAKA said that she had no objection to either of the proposed amendments. However, many, developing countries, especially African countries, preferred to present their reports in New York because their permanent missions were there. That fact should be taken into consideration, and any amendment to the decision should ensure that such countries could present their reports in New York.

64. Ms. GARCIA-PRINCE said that financial constraints made it too expensive for many developing countries to present their reports in Geneva. The decision should make it possible for the Committee to alternate between New York and Geneva.

65. Ms. ABAKA said that it might be possible to incorporate the suggestions by Ms. García-Prince into the amendments to either paragraph 2 or paragraph 3.

66. Ms. SINEGIORGIS said that article 20 of the Convention was relevant to the question of alternating venues. That issue should perhaps be dealt with separately, to avoid overloading the present decision.

67. Ms. BARE said that it would be useful to know whether the Centre for Human Rights was prepared to receive the Committee and to provide it with immediate support.

68. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women) said that, should the decision be made to move, the Secretariat would prepare the appropriate statement of programme budget implications, which would be presented to the General Assembly.

The meeting rose at 1 p.m.